

Title 9

PUBLIC PEACE, MORALS AND WELFARE

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Chapter 9.04

BURGLARY AND ROBBERY ALARM SYSTEMS

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9.04.010 Title.

The ordinance codified in this chapter shall be known as “the burglary and robbery alarm control ordinance.” (Ord. 51 § 1, 1978)

9.04.020 Purpose and scope.

A. The purpose of this chapter is to protect the emergency services of Butte-Silver Bow from misuse.

B. This chapter governs burglary, robbery and other emergency alarm systems and provides for punishment for violations, and establishes a system of administration. (Ord. 98-15 § 1, 1998; Ord. 51 § 2, 1978)

9.04.030 Definitions.

For the purposes of this chapter, the following words shall have the meanings ascribed to them as follows:

A. “Alarm installer” means the business of any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility. The alarm installer must be licensed by the

state and have a Butte-Silver Bow general business license.

B. “Alarm system” means any assembly of equipment, mechanical or electrical, whose primary function is to summon a law enforcement response to the occurrence of an illegal entry or other activity requiring urgent attention.

C. “Alarm subscriber” means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

D. “Automatic dialing device” means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

E. “Burglary alarm system” means an alarm system signaling an entry or attempted entry into the area protected by the system.

F. “Council” means the council of commissioners of Butte-Silver Bow.

G. “911 dispatch center” means the Butte-Silver Bow telecommunications center, which is the facility used to receive emergency and general information from the public to be dispatched to the respective emergency service departments utilizing the center.

H. “911 committee” means the committee appointed by the chief executive and confirmed by the council of commissioners to act as an advisory body concerned with 911 center personnel training, general policy and procedure, facilities and equipment procurement and maintenance and other matters pertinent to the general operation of the 911 center.

I. “False alarm” means an alarm signal eliciting a response by the law enforcement department when a situation requiring a response by the law enforcement department does not in fact exist. It does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm subscriber.

J. “Interconnect” means to connect an alarm system including an automatic dialing device to a

telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

K. "Law enforcement department" means the Butte-Silver Bow law enforcement department.

L. "Local government" means the local government of Butte-Silver Bow.

M. "Primary trunkline" means a telephone line servicing the dispatch center that is designated to receive emergency calls.

N. "Robbery alarm system" means an alarm system signaling a robbery or attempted robbery.

O. "Sheriff" is the sheriff of Butte-Silver Bow or his designated representative. (Ord. 98-15 § 2, 1998; Ord. 51 § 3, 1978)

9.04.050 Subscriber instructions.

A. Every alarm installer selling, leasing, or furnishing to any subscriber an alarm system which is installed on premises located in the area subject to this chapter shall furnish the subscriber with instructions that provide information enabling the subscriber to operate the alarm system properly and for obtaining service for the alarm systems at any time.

B. Alarm systems must be installed by licensed alarm installers.

C. Any burglary-robbery alarm system equipped with an external bell, horn, siren, or other noisemaking device shall be equipped with an automatic silencing device which shall silence the alarm within fifteen minutes after the activation of the alarm. This does not apply to fire reporting devices. (Ord. 98-15 § 4, 1998; Ord. 51 § 5, 1978)

9.04.060 Automatic dialing device—Certain interconnections prohibited.

A. It is unlawful for any person to program an automatic dialing device to select a primary trunkline; and it is unlawful for an alarm subscriber to fail to disconnect or to reprogram an automatic dialing device which is programmed to select a primary trunkline within twelve hours of receipt or written notice from the coordinator that it is so programmed.

B. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the local government. It is also unlawful for an alarm subscriber to fail to disconnect or reprogram such a device within twelve hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

C. A special exception can be granted by the sheriff permitting the use of telephone dialers, providing the alarm subscriber can justify to the sheriff the need. (Ord. 98-15 § 5, 1998; Ord. 51 § 6, 1978)

9.04.070 False alarms—Fines for fourth and subsequent false alarm.

A. Every alarm subscriber shall ensure that the individual alarm system is working properly and shall provide for necessary maintenance of the alarm system to avoid false alarms.

B. Any alarm system which has four or more false alarms within a twelve-month period or five or more false alarms within a twenty-four-month period shall be subject to a fine as provided in this section.

C. Fines for false alarms will be levied against any the alarm subscriber, beginning with the fourth false alarm in any twelve-month period. Fine amounts for false alarms will be according to the following schedule:

Upon conviction, the minimum fine for violation shall be made on a graduated basis as follows:

1. First offense, which is a fourth false alarm within a twelve-month period fifty dollars;

2. Second offense, which is a fifth false alarm within a twenty-four-month period one hundred dollars; and

3. Third offense, which is a sixth subsequent false alarm within a twenty-four-month period two hundred dollars.

D. All monies received from false alarm fines will revert to the sheriff's vehicle replacement fund. Nonpayment of any false alarm fine within fifteen business days of the date of conviction may be cause for subsequent citation and fines, arrest, down-graded law enforcement response, or any combination of these.

E. Every alarm system subscriber shall provide for an agent to arrive at the false alarm site within fifteen minutes of the arrival of responding law enforcement officers, if the false alarm site is located within the boundaries of the city and county of Butte-Silver Bow urban district (urban district). Alarm sites outside the boundaries of the urban district will be responded to within a reasonable time by law enforcement officers and by a designated agent of the alarm subscriber. Failure to observe a fifteen minute or reasonable time limitation will be cause for a warning or citation, as appropriate, against the alarm system subscriber.

F. A law enforcement officer, upon responding to a second or third false alarm in any twelve-month period at that particular alarm site, may issue a false alarm warning to the alarm system subscriber or agent of the subscriber. It is the intent of this section to insure that the alarm system subscriber be accountable for corrective action to eliminate false alarms.

G. Under no circumstances shall any law enforcement officer arm, disarm or otherwise manipulate any alarm system; nor shall any law enforcement officer direct the operation or the arming or disarming of any alarm system in the normal course of his or her duties.

H. The 911 committee shall reserve the option of retaining, adding or terminating the direct monitoring of any alarm system by the 911 dispatch center. The 911 committee may recommend or affirm limited law enforcement response to any alarm site within the city-county of Butte-Silver Bow. Considerations may include, but not be limited to, priority emergency situations that may occur at any time, limited manpower, poor winter travel conditions, unreasonable distances from the 911 dispatch center to any particular alarm site, or any other factor that would interfere with reasonable law enforcement response within a reasonable time. It is the intention of this section that the law enforcement response to burglary or robbery alarms be managed generally by the Butte-Silver Bow law enforcement department. The 911 committee may review, approve or disapprove emergency response to other types of alarm systems

controlled by any owner or subscriber, within this jurisdiction. (Ord. 01-7 § 1, 2001; Ord. 98-15 § 6, 1998; Ord. 51 § 7, 1978)

9.04.090 Violation—Penalty.

Any person violating any section of this chapter shall be guilty of a misdemeanor and jurisdiction for such violations shall be in the city court of Butte-Silver Bow. (Ord. 51 § 9, 1978)

Chapter 9.08

DESTRUCTION OR UNLAWFUL RETENTION OF PUBLIC LIBRARY PROPERTY

Sections:

9.08.010 Destruction or theft of library property.

9.08.020 Unlawful retention of property.

9.08.030 Giving false name or address.

9.08.040 Violation—Penalty.

9.08.010 Destruction or theft of library property.

Any person who knowingly destroys, mutilates, defaces, breaks, cuts, tears, writes upon or in any way injures or steals, takes or carries away, contrary to the library regulations, any property belonging to or deposited in the Butte-Silver Bow Public Library shall be guilty of a misdemeanor. (Ord. 81 § 1, 1979)

9.08.020 Unlawful retention of property.

It is unlawful for any person to retain any property belonging to or in or on deposit with the Butte-Silver Bow Public Library or any branch, reading room or institution operated in connection therewith, for a longer time than that prescribed by the rules of the library. Upon notice in writing to the borrower requesting the return of such property it shall be immediately returned. Failure to return the property within five days after written notice has been received by the borrower is prima facie evidence that the bor-

rower intends to unlawfully retain the property. (Ord. 81 § 2, 1979)

9.08.030 Giving false name or address.

Any person who knowingly gives a false name or wrongful address to the library when borrowing books or other property shall, on conviction thereof, be deemed guilty of a misdemeanor. (Ord. 81 § 3, 1979)

9.08.040 Violation—Penalty.

Any person violating any of the provisions of the chapter shall be guilty of a misdemeanor and jurisdiction for such offenses shall be in the city court of Butte-Silver Bow. (Ord. 81 § 4, 1979)

Chapter 9.12

CURFEW FOR MINORS

Sections:

9.12.010	Title.
9.12.020	Purpose.
9.12.030	Scope.
9.12.040	Definitions.
9.12.050	Curfew for minors.
9.12.060	Exceptions.
9.12.070	Minors under twelve years of age.
9.12.080	Minors between twelve and fourteen years of age.
9.12.090	Minors between fourteen and eighteen years of age.
9.12.100	Duty of parent.
9.12.110	Duty of law enforcement officers.
9.12.120	Penalty for violation.

9.12.010 Title.

This chapter shall be known and may be cited as the curfew ordinance. (Ord. 151 § 4, 1981)

9.12.020 Purpose.

The purpose of this chapter is to establish reasonable restrictions upon the time of day during which minors shall be allowed on any of the streets or other public places of the city and county. Such restrictions are enacted to further the general welfare of the community and specifically to further the following community interests:

- A. The protection of the younger children in the city and county from each other and from other persons on the street during the nighttime hours;
- B. The enforcement of parental control of and responsibility for their children;
- C. The protection of the public from nocturnal mischief by minors; and
- D. Reduction in the incidence of juvenile criminal activity.

These restrictions are enacted pursuant to the general police power granted to self-power local governments. (Ord. 151 § 1, 1981)

9.12.030 Scope.

The provisions of this chapter are intended to apply to all minors under the age of eighteen years and to any parent of any minor person under the age of eighteen years. (Ord. 151 § 2, 1981)

9.12.040 Definitions.

As used in this chapter the following definitions shall apply:

- A. “City and county” means the local government of the city and county of Butte-Silver Bow, state of Montana, and all of that area located within its geographical boundaries.
- B. “Curfew” means a regulation establishing restrictions upon the time of day during which minor persons may appear on any of the streets or public places of the city and county.
- C. “Masculine gender” includes the feminine gender.
- D. “Minor” means any person who has not attained the age of eighteen years.
- E. “Parent” means any person having legal custody of a minor:
 - 1. As a natural or adoptive parent;

2. As a legal guardian;
3. As a person who stands in loco parentis; or
4. As a person to whom legal custody has been given by order of court.

F. "Person" means any human being, male or female.

G. "Public place" means any park, playground, school yard or other publically-owned property.

H. "Public safety building" means the offices of the Butte-Silver Bow law enforcement department located in the Butte-Silver Bow Public Safety Building at 120 South Idaho Street, Butte, Montana.

I. "Singular number" includes the plural number.

J. "Street" means any public street, highway, alley or other public way within the city and county. (Ord. 151 3, 1981)

9.12.050 Curfew for minors.

A curfew restricting the time of day during which minor persons may appear on any of the streets or public places of the city and county is established. No minor as specified in Section 9.12.070, 9.12.080 and 9.12.090 shall be in or upon any street or public place within the city and county during the hours provided in Sections 9.12.070, 9.12.080 and 9.12.090. (Ord. 151 5, 1981)

9.12.060 Exceptions.

In the following exceptional cases a minor in or upon any street or public place within the city and county during the hours provided in Sections 9.12.070, 9.12.080 and 9.12.090 shall not be considered in violation of the curfew ordinance:

A. When accompanied by a parent of such minor;

B. When accompanied by an adult authorized by a parent of such minor to take the parent's place in accompanying the minor for a designated period of time and purpose within a specified area;

C. When in the performance of an errand of duty directed by a parent of the minor;

D. When attending an authorized school, recreational or religious activity. This exception will apply for one-half hour after the completion of the activity;

E. When engaged in legally recognized employment. This exception will apply for the period from one-half hour before to one-half hour after work;

F. When the minor is, with parental consent, engaged in interstate travel through the city and county. This also exempts interstate travel beginning or ending within the city and county. (Ord. 151 6, 1981)

9.12.070 Minors under twelve years of age.

Minors who have not reached their twelfth birthday shall not be in or upon any street or public place between the hours of nine p.m. and six a.m. (Ord. 151 7, 1981)

9.12.080 Minors between twelve and fourteen years of age.

Minors who have reached their twelfth birthday but who have not reached their fourteenth birthday shall not be in or upon any street or public place between the hours of ten p.m. and six a.m., except on Friday and Saturday nights such hours shall be between twelve midnight and six a.m. During the months of June, July and August the hours of ten-thirty p.m., and six a.m. shall be applicable to all minors over the age of twelve but under the age of fourteen, except on Friday and Saturday nights such hours shall be between twelve midnight and six a.m. (Ord. 151 8, 1981)

9.12.090 Minors between fourteen and eighteen years of age.

Minors who have reached their fourteenth birthday, but who have not reached their eighteenth birthday, shall not be in or upon any street or public place between the hours of ten-thirty p.m. and five a.m., except on Friday and Saturday nights such hours shall be between one a.m. and five a.m. During the months of June, July and August the hours of eleven p.m. and five a.m. shall be applicable to all minors over the age of fourteen but under the age eighteen, except on Friday and Saturday nights such hours shall be between one a.m. and five a.m. (Ord. 151 9, 1981)

9.12.100 Duty of parent.

No parent of any minor under the age of eighteen shall allow or permit any such minor to go or be in or upon any street or public place within the city and county after the hours prescribed in Sections 9.12.070, 9.12.080 and 9.12.090, unless reasonable necessity can be shown therefor. The words "allow" or "permit" as used in this section require actual or constructive knowledge on the part of a parent. A parent must actually know about the minor's violation or the circumstances must be such that a reasonable, responsible parent should have known of the minor's violation. (Ord. 151 10, 1981)

9.12.110 Duty of law enforcement officers.

A. Upon finding a minor in or upon any street or public place within the city and county in violation of any of the provisions of this chapter, it shall be the duty of the attending law enforcement officer of Butte-Silver Bow to take the name of the minor and the name and address of a parent.

B. If the minor is under the age of twelve years and the identity and address of the minor may readily be ascertained or are known, the law enforcement officer may deliver the minor to a parent.

C. If the minor is twelve years of age or over and does not require medical treatment, the law enforcement officer shall take the minor to the public safety building where a parent shall immediately be notified to come for such minor. If the minor requires medical treatment the law enforcement officer shall take the minor to a medical facility in place of the public safety building.

D. The law enforcement officer shall file a written report to the sheriff within twenty-four hours.

E. When a parent has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent. If a parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with law enforcement regulations approved in advance by juvenile authorities, the minor may be temporarily entrusted to a relative,

neighbor or other person who will on behalf of a parent assume the responsibility of caring for the minor pending the availability or arrival of a parent.

F. In the case of a first violation by a minor the sheriff shall, by certified mail, send to a parent written notice of the violation with a warning that any subsequent violation will result in full enforcement of parental responsibility and of applicable penalties. (Ord. 151 11, 1981)

9.12.120 Penalty for violation.

A. If, after the warning notice pursuant to Section 9.12.110 of a first violation by a minor, a parent violates Section 9.12.100 (in connection with a second violation by the minor) this shall be treated as a first offense by the parent. Any such parent shall, upon conviction, be guilty of a misdemeanor and jurisdiction for any such parental violation shall be in the city court of Butte-Silver Bow.

B. Any minor who violates any of the provisions of the curfew ordinance more than two times shall be reported by the sheriff to the juvenile authorities for treatment, supervision and rehabilitation of the minor. (Ord. 151 12, 1981)

Chapter 9.16

PARK RESTRICTIONS

Sections:

9.16.010	Purpose.
9.16.020	Scope.
9.16.030	Definitions.
9.16.040	Heritage Park and Mural Park—Closed between ten p.m. and seven a.m.
9.16.050	Heritage Park and Mural Park—Exception for parking motor vehicles.
9.16.060	Heritage Park and Mural Park—Sleeping prohibited.
9.16.070	Heritage Park and Mural Park—Alcoholic beverages prohibited.
9.16.080	Violation—Penalty—

Jurisdiction.

9.16.010 Purpose.

The purpose of this chapter is to close Heritage Park and Mural Park to public use within certain hours of each day and to prohibit certain activities within Heritage Park and Mural Park, in order to protect the health, welfare, safety, peace and public order of the citizens of the city and county of Butte-Silver Bow, Montana. (Ord. 292 1, 1987)

9.16.020 Scope.

This chapter provides for the enactment of regulations controlling the use of Heritage Park and Mural Park. This chapter does not repeal any authority to manage Heritage Park and Mural Park which was given to the Butte-Silver Bow Board of Parks and Recreation in Butte-Silver Bow Ordinance No. 88, codified in Chapter 2.36 of this code. (Ord. 292 2, 1987)

9.16.030 Definitions.

In this chapter the following definitions apply: "Heritage Park" means that property which is located at the northeast corner of the intersection of Park and Main Streets in the city and county of Butte-Silver Bow, Montana and which is more particularly described as: A portion of Lots 19, 20, 21 and 22 in Block 28 of the Original Butte Townsite according to the official map and plat of the Original Butte Townsite now on file in the office of the clerk and recorder of the city and county of Butte-Silver Bow, state of Montana.

"Mural Park" means that property which is located on the south side of Park Street in the center of the first block of Park Street west of Main Street and which is more particularly described as follows: All of lots 9, 10, 11, 12 and 13 and the west 10 feet 2 inches of Lot 8 all in Block 37 of the Original Butte Townsite, according to the official map and plat of the Original Butte Townsite now on file in the office of the clerk and recorder of the city and county of Butte-Silver Bow, state of Montana. (Ord. 292 3, 1987)

9.16.040 Heritage Park and Mural Park— Closed between ten p.m. and seven a.m.

Those public properties which are described herein as Heritage Park and as Mural Park are ordered closed to public use between the hours of ten p.m. (twenty-two hundred hours military time) each day and seven a.m. (zero seven hundred hours military time) of the following day. (Ord. 292 4, 1987)

9.16.050 Heritage Park and Mural Park— Exception for parking motor vehicles.

Those portions of Heritage Park and of Mural Park which have been improved and paved for the parking of motor vehicles are exempted from the provisions of this chapter insofar as to allow motor vehicles to be parked on the paved portions during the time period when the remainder of Heritage Park and Mural Park are closed for public use. (Ord. 292 5, 1987)

9.16.060 Heritage Park and Mural Park— Sleeping prohibited.

Sleeping is prohibited at all times by any person in, on, upon or within any portion of those public properties defined herein as Heritage Park and Mural Park, including any structures or benches erected in or upon said Heritage Park or Mural Park. (Ord. 292 6, 1987)

9.16.070 Heritage Park and Mural Park— Alcoholic beverages prohibited.

The use or possession of alcoholic beverages by any persons at any time is prohibited in, on, upon or within any portion of those public properties defined herein as Heritage Park and Mural Park. (Ord. 292 7, 1987)

9.16.080 Violation—Penalty—Jurisdiction.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and jurisdiction for such violations shall be in the city court of Butte-Silver Bow. (Ord. 292 8, 1987)

Chapter 9.20

USE OF ALCOHOLIC BEVERAGES ON CITY-COUNTY OWNED PROPERTY

Sections:

- 9.20.010 Prohibited—Exemptions.**
- 9.20.020 Approval authority.**
- 9.20.030 Compliance.**

9.20.010 Prohibited—Exemptions.

The use and consumption of any alcoholic beverage by any person on any property owned by the local government of the city and county of Butte-Silver Bow, Montana is prohibited, except upon approval of such use by the council of commissioners or by the appropriate board or commission in those cases where the council has delegated authority to operate and manage city-county owned property as set forth in Section 19.20.020; and provided, further, such use is authorized only where proof of adequate on-premises liability insurance coverage authorizing such use and consumption of alcoholic beverages has been provided to the approving board or commission. (Ord. 289 1, 1987)

9.20.020 Approval authority.

A. The following named boards or commissions are authorized to approve the use and consumption of alcoholic beverages on the following described city-county property, when such use is in conformance with applicable laws, regulations and ordinances, and adequate on-premises liability insurance coverage is in effect:

Board Property

Bert Mooney Airport Board Bert Mooney Airport
Butte-Silver Bow Civic
Center Board Butte-Silver Bow Civic Center
Butte-Silver Bow Park and All Butte-Silver
Bow Recreation Board City-County Parks
Board of Trustees of
Centerville VFD Centerville Fire Hall

Board of Trustees of
Big Butte VFD Big Butte Fire Hall
Board of Trustees of
Boulevard VFD Boulevard Fire Hall
Board of Trustees of
Floral Park VFD Floral Park Fire Hall
Board of Trustees of
Home Atherton VFD Home Atherton Fire Hall
Board of Trustees of
Race Track VFD Race Track Fire Hall
Board of Trustees of
Rocker VFD Rocker Fire Hall

B. All requests to allow the use and consumption of alcoholic beverages on city-county owned property other than those properties listed in subsection A of this section can only be approved by the council of commissioners. (Ord. 289 2, 1987)

9.20.030 Compliance.

All requests for authorization to allow the use and consumption of alcoholic beverages on property owned by the city and county of Butte-Silver Bow may be approved only upon favorable action by the appropriate supervising authority, and all such use and consumption of alcoholic beverages shall comply with all applicable laws and regulations of the state of Montana, and all local ordinances of the city-county. (Ord. 289 3, 1987)

Chapter 9.24

WEAPONS

Sections:

- 9.24.010 Purpose.**
- 9.24.020 Scope.**
- 9.24.030 Definitions.**
- 9.24.040 Discharge of firearm or bow and arrow.**
- 9.24.050 Exceptions.**
- 9.24.060 Approval and design of shooting ranges—Issuance of shooting range permits.**
- 9.24.070 State law superseded.**

9.24.080 Penalty—Jurisdiction.

9.24.010 Purpose.

The purpose of this chapter is to restrict the discharge of firearms and bows and arrows within the regulated area as defined in Section 9.24.030 of this chapter within the city and county of Butte-Silver Bow, Montana, to approved shooting ranges, while allowing exceptions for peace officers acting in the line of duty and for justifiable use of force. (Ord. 310 1, 1987)

9.24.020 Scope.

This chapter restricts the discharge of all firearms and bows and arrows within the required area as defined in Section 9.23.030 of this chapter within the city-county to such locations and occasions as are described in this chapter. (Ord. 310 2, 1987)

9.24.030 Definitions.

In this chapter the following definitions shall apply:

A. “Arrow” means a slender shaft, usually pointed at one end and feathered at the other, and designed for shooting from a bow.

B. “Bow” means a flexible curved device with the ends connected by cord or wire, and designed for shooting arrows. The term “bow” includes cross bow.

C. “City-county” means the local government of the city and county of Butte-Silver Bow, state of Montana and all of that area within the boundaries of the city and county.

D. “Firearm” means an instrument used in the propulsion of pellets, shot, shell or bullets by the action of gunpowder, air, springs, carbon dioxide or any other gas which operates a gun, rifle or pistol.

E. “Public road” means the entire width between the boundary lines of every street, road or highway which is maintained by the city-county or the State of Montana Highway Department when any part thereof is open to the use of the public for purposes of vehicular traffic.

F. Regulated Area. The “regulated area” for the purpose of this chapter shall be:

1. All of the land included within the urban area, which is more particularly described as follows: (See Exhibit A, including text description, and Exhibit B, a map for complete description, attached to the ordinance codified in this section and adopted by reference);

2. All of the land outside of that area included in the urban area (described in subsection (F)(1) of this section) which is within one hundred feet of the centerline of any public road as defined in this chapter;

3. In addition to those restrictions upon the discharge of firearms or bows and arrows as set out in subsections (F)(1) and (F)(2) of this section, no person shall, without the consent of the owner or lawful occupier, discharge a firearm or bow and arrow within one hundred fifty yards of a dwelling house or other building or structure which is designed to be occupied by human beings if such person knows or reasonably should know that injury to persons or damage to property may result.

G. “Shooting range” means a public or private area, place or location, either enclosed or out-of-doors, at which firearms or bows and arrows are discharged at targets and which is designed so that projectiles fired at targets are prevented by means of backstops or other barriers, either natural or man-made, from going beyond the boundaries of the area, place or location. (Ord. 98-14 1, 1998; Ord. 310 3, 1987)

9.24.040 Discharge of firearm or bow and arrow.

Except as provided in Section 9.24.050, it shall be illegal for any person to shoot, fire or discharge any firearm or bow and arrow within the regulated area as defined in Section 9.24.030 of this chapter and every person who knowingly or purposely shoots, fires or discharges a firearm or bow and arrow within the regulated area as defined in Section 9.24.030 shall be guilty of a misdemeanor. (Ord. 310 4, 1987)

9.24.050 Exceptions.

The provisions of this chapter shall not apply to:

A. A peace officer in the performance of his duty;

B. Any person discharging firearms or bows and arrows within a shooting range if the shooting range has been approved by the council of commissioners;

C. Any person whose discharge of a firearm or bow and arrow is justified in defense of life or property under Title 45, Chapter 3, Part 1, Montana Code Annotated. (Ord. 310 5, 1987)

9.24.060 Approval and design of shooting ranges—Issuance of shooting range permits.

A. Firearms or bows and arrows may be discharged within shooting ranges located within the regulated area described in Section 9.24.030 or in a private dwelling if a permit for the shooting range is approved by the council of commissioners.

B. The sheriff, the director of fire services, the director of public works, the building inspector and the zoning officer shall be the city-county staff members responsible for reviewing applications for approval of shooting ranges.

C. Applications for a shooting range permit shall be made to the office of the building inspector on the building permit application form. Within thirty days after the application is filed the reviewing officials shall submit a written report to the council of commissioners and the applicant advising the council and the applicant with respect to their review. The applicant shall be given notice of the time and place of consideration and vote by the council of commissioners on the application. The council shall vote to approve or deny the application for shooting range permit after the report of the sheriff, the director of fire services, the director of public works, the building inspector and the zoning officer is filed.

D. The design suggestions for shooting ranges that are printed and distributed by the National Rifle Association shall be followed to the extent feasible and applicable whenever a shooting range is constructed within the regulated area described in Section 9.24.030.

E. The shooting range permit is an annual permit, nontransferable to any other persons and shall be effective from July 1st of the issuing year until June 30th of the ensuing year and can be renewed annually. The council of commissioners has the right to cancel any permit issued under this sanction. (Ord. 334 1, 1988: Ord. 310 6, 1987)

9.24.070 State law superseded.

In accordance with the provisions of Section 7-1-105 MCA, which section of Montana law provides that all state statutes shall be applicable to self-government local units until superseded by an ordinance or resolution properly enacted, this chapter supersedes those portions of Section 45-8-343 MCA which restrict the discharge of firearms only within the limits of a city or town and which limit the penalty that can be imposed below a five hundred dollar fine or six months imprisonment, or both, as authorized by Sections 7-1-111 (8) MCA. (Ord. 310 7, 1987)

9.24.080 Penalty—Jurisdiction.

Any person convicted of any violation of the provisions of this chapter for the offense of unauthorized discharge of firearms or bows and arrows within the regulated area defined in Section 9.24.030 of this chapter shall be guilty of a misdemeanor and shall be fined not to exceed five hundred dollars or imprisoned in the county jail for a term not to exceed six months, or both. Jurisdiction for such violations shall be in the city court of Butte-Silver Bow. (Ord. 310 8, 1987)

Chapter 9.28

CARRYING OF WEAPONS OR EXPLOSIVE DEVICES ON CERTAIN PUBLIC PROPERTY REGULATED

Sections:

9.28.010 Purpose.

9.28.020 Scope.

9.28.030 Definitions.

9.28.040 Carrying weapons or explosive devices on public property prohibited—Exception for authorized persons—Exception for city-county shooting range.

9.28.050 Exceptions.

9.28.060 Penalty.

9.28.010 Purpose.

The purpose of this chapter is to prohibit the carrying of weapons or explosive devices in or upon any publicly owned building or public park or at any school within the city-county and to allow exceptions for those persons authorized by Montana law to carry such weapons and to allow exceptions for city-county shooting ranges and for gun collectors at gun shows. (Ord. 483 1, 1994)

9.28.020 Scope.

The scope of this chapter is to adopt those provisions of Montana law set forth in Section 45-8-351, MCA, which allow local governments to prevent and suppress the carrying of concealed or unconcealed weapons to any publicly owned building, park under its jurisdiction or school, as well as to invoke the powers granted to self-government units of local government by Section 7-1-101, et seq., MCA, to prevent and suppress the carrying of explosive devices to any publicly owned building, park under its jurisdiction or school. (Ord. 483 2, 1994)

9.28.030 Definitions.

The following terms shall have the following meanings in this chapter:

A. “Authorized person” means those persons authorized to carry weapons in prohibited places pursuant to Section 45-8-317, MCA, (excluding subsection 7) and Section 45-8-328, MCA, and includes the court bailiff in the courthouse and further includes a private security guard licensed pursuant to Section 37-60-301, MCA, who has been retained by the city-county (or by a tenant/lessee of the city-county) or by a school district (or by a tenant/lessee of a school district) to provide private security services for the

respective governmental entity (or for a tenant/lessee of the respective governmental entity).

B. “City-county” means the local government of the city and county of Butte-Silver Bow, Montana, and includes all of that area within its jurisdictional boundaries.

C. “City-county shooting range” means any shooting range located on city-county property and includes the law enforcement department shooting range and the shooting range in the basement of the courthouse and any other shooting range constructed on city-county property with the approval of the council of commissioners.

D. “Courthouse” means the Butte-Silver Bow city-county courthouse building.

E. “Explosive device” means any explosive compound, flammable substance, detonating device, blasting cap, gun powder, blasting powder, dynamite or other explosive defined under Montana law. For the purposes of this chapter, “explosive devices” does not include chemicals or similar instructional materials which are part of an approved educational program nor does it include chemicals or building materials or building construction devices or equipment which are used as part of a building construction project or a regular building or property maintenance program. For the purposes of this chapter, “flammable substance” does not include gasoline or similar petroleum product contained within the fuel tank of a motor vehicle nor does it include matches or cigarette lighters nor does it include barbecue charcoal lighter fluid.

F. “School” means in addition to all school buildings, school playgrounds, parking lots, campus areas, park areas and stadiums. For the purposes of this chapter, “school” does not include school trust lands nor does “school” include home school or private school.

G. “Weapon” means any handgun, rifle, shotgun, machine gun, air rifle, slingshot, sword cane, billy, knuckles made of any metal or hard substance, knife with a blade four inches long or longer, razor, not including a safety razor, or other deadly weapon. For the purposes of this chapter, “weapons” does not include knives which are kept, stored or used for the

purposes of preparing and serving food, in any school cafeteria, in the community center building, the civic center, any Butte-Silver Bow fire hall or the maintenance center nor does “weapons” include sporting or athletic equipment or theatrical or educational equipment or props which are being used as part of a sporting or athletic event or a theatrical or educational performance or event. (Ord. 483 3, 1994)

period not to exceed six months, or both. (Ord. 483 6, 1994)

9.28.040 Carrying weapons or explosive devices on public property prohibited—Exception for authorized persons—Exception for city-county shooting range.

It is unlawful for any person, other than an authorized person, or those authorized to use a city-county shooting range as described in Section 9.28.050, to carry concealed or unconcealed weapons or explosive devices to any publicly owned building, public park or school within the city-county. (Ord. 483 4, 1994)

9.28.050 Exceptions.

Nothing contained herein shall prohibit persons authorized to use a city-county shooting range from using firearms at such range or transporting firearms to, through and from such range nor shall this chapter prohibit persons from possessing, using or transporting unloaded firearms to, through or from any school or other publicly owned building when such unloaded firearms are being used for instructional purposes as part of hunter safety or similar firearms safety training classes nor shall this chapter prohibit the legitimate display of firearms at shows or other public occasions by collectors and others nor shall this chapter prohibit the legitimate transportation of firearms through the city-county, including the Bert Mooney Airport. (Ord. 483 5, 1994)

9.28.060 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars and confinement in the Butte-Silver Bow county jail for a